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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/028,311 | 12/28/2001 | Hitoshi Nakai | 723-1239 | 4773 |

27562 7590 05/18/2004

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1100 N. GLEBE ROAD
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ARLINGTON, VA 22201

EXAMINER

MARKS, CHRISTINA M

| ART UNIT | PAPER NUMBER |
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3713

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10/028,311 | 12/28/2001 | NAKAI, HITOSHI | 723-1239 |

| EXAMINER |
|------------------|
| MARKS, CHRISTINA |

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| 3713 | 05122004 |

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Commissioner for Patents

See attached detailed action.

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Art Unit: 3713

DETAILED ACTION

Election/Restrictions

37 C.F.R. §1.145 reads that if, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in §1.143 and §1.144.

Newly submitted claims 15-34 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims for which an action was received are drawn a communication method in a game environment wherein a logged in player can get player information and can request a logged out player logs in.

These limitations are distinct from or independent of the invention as currently claimed. The current claims are drawn towards registered game characters and transmitting character information within the game world wherein players can receive character descriptions relative to the game world regardless if a player is logged in or not.

These limitations are now to character information systems are independent of the invention claimed in the original presentation. The methodology in the currently presented claims is not the same as previously presented and represents a different system altogether requiring separate classification and a separate field of search than previously done. At minimum, the inclusion of an entire character information system to gather properties relating to characters makes the invention independent of previously presented claims relating only to communication among players.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

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on the merits. Accordingly, claims 15-34 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Amendment

The reply filed on 20 February 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The amendment filed on 20 February 2004 cancelled all claims drawn to the elected invention and presents only claims drawn to a non-elected invention. Thus, the reply is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention for the reasons detailed above. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmm
May 12, 2004


Teresa Walberg
Supervisory Patent Examiner
Group 3700